

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

MAP REFRIGERATION, INC.,

Plaintiff

v.

NEW ALBERTSONS, L.P.,

Defendants

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Case No. 19-cv-3729-JMY

ORDER

AND NOW, this 20th day of December, 2019, upon consideration of Defendants' Motion to Dismiss (ECF No. 18), and all documents submitted in support thereof and in opposition thereto, it is **ORDERED** that Defendant's Motion is **GRANTED** in part and **DENIED** in part. The Court **DISMISSES WITHOUT PREJUDICE** Plaintiff's third claim for relief.

Plaintiff may file an amended complaint consistent with this Order, if desired, on or before **January 13, 2020.**

IT IS SO ORDERED.

BY THE COURT:

/s/ Judge John Milton Younge

Judge John Milton Younge